



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
IN THE UNITED STATES DESIGNATED/ELECTED OFFICE

In re Application of:

**WEST et al.**

Serial No.: 10/551,201

Filed: September 27, 2005

Art Unit: (not yet assigned)

Examiner: (not yet assigned)

Atty. Docket No.: 05-223-US

**PHOSPHATE DERIVATIVES OF  
PHARMACEUTICAL PRODUCTS**

**VIA EXPRESS MAIL LABEL NO. EV336824223US**

Commissioner for Patents  
**MAIL STOP PCT**  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS  
UNDER 35 U.S.C. §371 IN THE US/DO/EO**

Dear Sir:

In response to the Notification of Missing Requirements Under 35 U.S.C. in the US/DO/EO mailed on May 22, 2006, Applicants hereby submit the following:

1. ☒ An original executed Combined Declaration And Power Of Attorney document.
2. ☐ An original executed Assignment of the application to \_\_\_\_\_ - and a completed Recordation Form Cover Sheet - Patents Only.
3. ☒ Small entity status is hereby claimed.
4. ☒ The filing fee has been paid.

Docket No.: 05-223-US  
Serial No.: 10/551,201

5. The surcharge for late payment of the filing fee and/or the late filing of an original Declaration is:

☒ \$65.00 (small entity) ☐ \$130.00 (large entity)

6. Fee Payment Being Made:

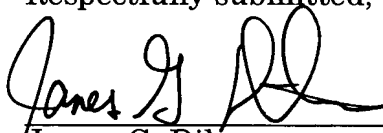
☒ Enclosed

<input type="checkbox"/>	Filing fee	
<input checked="" type="checkbox"/>	Surcharge	\$ 65.00
<input type="checkbox"/>	Extension fee (Petition enclosed)	\$ .00
<input type="checkbox"/>	Recording Assignment	

Total fees due \$ 65.00

7. ☐ A check in the amount of \$ .00 to cover the surcharge and extension fee is enclosed.
8. ☐ A second check in the amount of \$ to cover the assignment recordation fee is enclosed.
9. ☒ The Director is authorized to charge the \$65.00 surcharge to Deposit Account No. 18-0582.
10. ☒ The Director is hereby authorized to charge payment of any additional fees associated with this communication or credit any overpayment to Deposit Account No. 18-0582. A duplicate copy of this paper is attached.

Respectfully submitted,

  
James G. Dilmore  
Reg. No. 51,618

Dated: July 24, 2006

07/31/2006 MKAYPAGH 00000051 180582 10551201  
01 FC:2617 65.00 DA

REED SMITH LLP  
P.O. Box 488  
Pittsburgh, PA 15230-0488  
(412) 288-3813  
Agent for Applicants



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/551,201	West	05-223-US

718  
 REED SMITH LLP  
 P.O. BOX 488  
 PITTSBURGH, PA 15230-0488

INTERNATIONAL APPLICATION NO.	
PCT/AU04/00492	
I.A. FILING DATE	PRIORITY DATE
04/14/2004	04/15/2003

CONFIRMATION NO. 4065

371 FORMALITIES LETTER



\*OC00000018896112\*

Date Mailed: 05/22/2006

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 09/27/2005
- Copy of the International Search Report filed on 09/27/2005
- Preliminary Amendments filed on 09/27/2005
- U.S. Basic National Fees filed on 09/27/2005
- Priority Documents filed on 09/27/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

## SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$65** for a Small Entity:

- **\$65** Surcharge.

REQUIREMENT PLACED ON  
 DEADLINE CONTROL ON

6-6-06  
 (date)

SK  
 (initials)

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

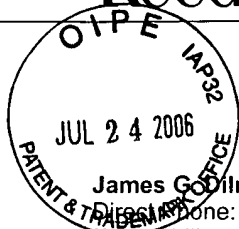
SHELBY J VIGIL

Telephone: (703) 308-9140 EXT 224

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/551,201	PCT/AU04/00492	05-223-US

ReedSmith



James G. O'Neilmore, Patent Agent  
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Email: jdo'neil@reedsmith.com

07-25-06

IAP6 Rec'd PCT/PTO 24 JUL 2006

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412.288.3131  
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July 24, 2006

VIA EXPRESS MAIL LABEL NO. EV336824223US

MAIL STOP PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Re: Applicants: WEST et al.  
Title: PHOSPHATE DERIVATIVES OF PHARMACEUTICAL PRODUCTS  
Serial No.: 10/551,201  
Filed: September 27, 2005  
Art Unit: (Not yet assigned)  
Examiner: (Not yet assigned)  
Docket No.: 05-223-US

Dear Sir:

Enclosed are the following for filing in connection with the above-referenced application:

1. A Response to Notification of Missing Requirements under 35 U.S.C. §371 in the US/DO/EO;
2. An executed Combined Declaration and Power of Attorney;
3. A copy of the Notification;
4. An Information Disclosure Statement;
5. A completed Form 1449, with copies of cited references; and
6. A self-addressed stamped postcard, return of which is requested to acknowledge receipt of the enclosed documents.

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MUNICH • PRINCETON • FALLS CHURCH • WILMINGTON • NEWARK • MIDLANDS, U.K. • CENTURY CITY • RICHMOND • LEESBURG

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July 24, 2006  
Page 2

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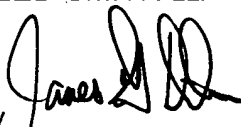
Please address future correspondence to:

**CUSTOMER NUMBER 718**  
**ATTN: James G. Dilmore, Ph.D., Patent Agent**  
**Phone: 412.288.3813; Fax: 412.288.3063**

The Director is authorized to charge any additional payment due in connection with this submission, or to credit any overpayment to Deposit Account No. 18-0582. A duplicate copy of this authorization is enclosed.

Very truly yours,

REED SMITH LLP

By   
James G. Dilmore  
Reg. No. 51,618